

**UNITED STATES BANKRUPTCY COURT  
SOUTHERN DISTRICT OF NEW YORK**

IN RE:

SIZMEK INC., *et al.*,

Debtors.

Case No.:

19-10971 (SBM)

P39 TECH LLC,

Movant,

v.

SIZMEK INC., *et al.*,

Respondent.

**MOVANT P39 TECH LLC NOTICE OF MOTION TO ENFORCE THE ASSET  
PURCHASE AGREEMENT AND FOR FURTHER RELIEF**

**PLEASE TAKE NOTICE** that upon the Affidavit of Jeremy Ozen sworn to on November 21, 2019 with Exhibits annexed thereto and the accompanying memorandum of law in support of the motion, Movant P39 TECH LLC by its attorneys, Dunnington Bartholow & Miller LLP, moves this honorable Court for an order:

- (1) enforcing the Asset Purchase Agreement dated July 24, 2019 (“APA”);
- (2) compelling Sizmek Technologies Ltd. and Sizmek Technologies Inc. (together, “Debtors”) to remit to P39 TECH LLC the Yahoo receivable in the amount of

- \$275,029.55 as provided for in the APA plus interest accrued from the date Debtors received the Yahoo receivable at the statutory rate;
- (3) taxing Debtors attorneys' fees and costs incurred in relation to this motion; and
- (4) providing for any further relief as justice requires.

Dated: New York, New York  
November 25, 2019

DUNNINGTON, BARTHOLOW & MILLER LLP  
*Attorneys for Movant P39 TECH LLC*

By: /s/ Luke McGrath

Luke McGrath  
230 Park Avenue, 21st Floor  
New York, New York 10169  
(212) 682-8811  
[LMcgrath@dunnington.com](mailto:LMcgrath@dunnington.com)

**CERTIFICATE OF SERVICE**

I hereby certify that on November 25, 2019, a copy of foregoing Movant P39 TECH LLC Notice of Motion to compel was filed electronically and served by mail on anyone unable to accept electronic filing. Notice of this filing will be sent by e-mail to all parties by operation of the Court's electronic filing system or by mail to anyone unable to accept electronic filing as indicated on the Notice of Electronic Filing. Parties may access this filing through the Court's CM/ECF System.

/s/ Luke McGrath

Luke McGrath  
230 Park Avenue, 21st Floor  
New York, New York 10169  
(212) 682-8811  
LMcgrath@dunnington.com